

REMARKS/ARGUMENTS

Claims 11-24 were pending, with claims 1-20 and 22 having been rejected and claims 21, 23, and 24 having been withdrawn pursuant to an earlier species requirement. The claims have been amended and canceled as noted above. Reexamination and reconsideration of the claims, as amended, are respectfully requested.

Claim 14 was rejected for lack of written description. The phrase objected to by the Examiner has been canceled from claim 14. Thus, it is believed that this rejection has been overcome.

Claims 11, 15, 18, and 19 were rejected as being anticipated by the Krueger '648 patent. Without conceding the correctness of this rejection, Applicants have amended independent claim 11 to incorporate the limitations previously set forth in dependent claims 16 and 17. Thus, Applicants will specifically address the rejection of claims 16 and 17 as set forth in paragraph 11 of the Office Action. Claims 16 and 17 were rejected as being obvious over the teachings of Krueger. The Examiner asserts that "it is well known in the art to delay drawing of cardiac support bands by holding the band apart with a biodegradable element to provide the predictable results of allowing the band to be placed before constriction begins . . ."

Applicants respectfully request that the Examiner point to such "well known" prior art. Applicants do not believe that it is of record in the present application, and Applicants are unaware of any use of any biodegradable elements to allow a spring-loaded band to gradually tighten around the heart over time after implantation, as now set forth in independent claim 11. Should the Examiner be able to provide such prior, Applicants respectfully request that any resulting rejection be made non-final so that Applicants have the opportunity to address the specific teachings of such a reference.

Appl. No. 10/695,649
Amdt. dated June 17, 2008
Reply to Office Action of April 25, 2008

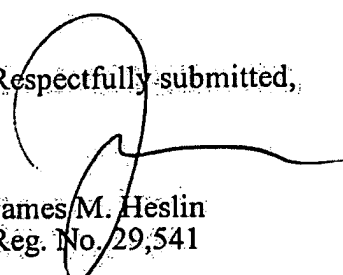
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CONCLUSION

In view of the above amendments and remarks, Applicants believe that all remaining claims, as amended, are clearly in condition for allowance and request that the application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,


James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
JMH:jis
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